

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF New York
DIVISION

*(Write the District and Division, if any, of the
court in which the complaint is filed.)*

Trent Francelly

*(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)*

-against-

State of Florida E.T.A.L

*(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)*

**Complaint for Violation of Civil
Rights**

(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)



NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Trent Francely
 All other names by which you have been known:

 ID Number 220162290
 Current Institution P.T.D.C
 Address 1321 NW 13 ST
MIAMI, FL 33125

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name John Doe
 Job or Title Director of Department of Correction
 (if known) MIAMI-DADE
 Shield Number N/A
 Employer N/A
 Address T.G. & M.W.D.C, P.T.D.C 1321 NW 13th
MIAMI, FL 33125
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name KATHRINE FERNANDEZ RUNDLE

Job or Title STATE ATTORNEY
 (if known)
 Shield Number N/A
 Employer N/A
 Address 1350 N.W. 12th Ave
MIAMI, FL 33136
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name GERARDO SARMIENTO JR
 Job or Title Detective Officer
 (if known)
 Shield Number Dept 301D: 05887
 Employer N/A
 Address Police Station MIAMI-DADE
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name TIMOTHY COYLE
 Job or Title Police Officer
 (if known)
 Shield Number DEPT. 030-ID. 07465
 Employer N/A
 Address Police Station MIAMI-DADE
☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

Defendant No. 5Name John DoeJob or Title Police officerShield Number N/AEmployer N/AAddress Orlando Police DepartmentDefendant No. 6Name John DoeJob or Title Police officerShield number N/AEmployer N/AAddress Orlando Police DepartmentDefendant No. 7Name RODRIGUEZ A.Job or Title Police officerShield number 0305990Employer ~~Miami~~ Police Department MiamiAddress Miami - Dade

Defendant 8

Name MACHADO, S.AJob or Title Police sergeantShield Number 0304849Employer Police DepartmentAddress Miami - Dade

defendant 9

Name F. Van loanJob or Title DetectiveShield number ID 3092Employer Police DepartmentAddress Miami - Dade

Defendant 10

Name LA QuintaJob or Title HotelShield number N/AEmployer Gonzalez, YONATHANAddress 7401 NW 36th st

Defendant 11

Name LA QuintaJob or Title HotelShield Number Employer Scott, Michelle MAddress 7401 NW 36th st

Defendant 12

Name Ia quinta
 Job & Title Hotel
 Shield number N/A
 Employer Manger
 Address 7401 ~~36th~~ NW 36th

Name John Doe
 Job & Title N/A
 Shield N/A
 Employer N/A
 Address Orlando, FL

Name John Doe
 Job & Title Sgt officer
 Shield Number 5524
 Employer MIAMI-DADE Police Department
 Address MIAMI-DADE County

Name John Doe
 Job & Title N/A
 Shield number N/A
 Employer N/A
 Address Orlando, FL

Name John Doe
 Job & Title Police officer
 Shield Number 6697
 Employer MIAMI-DADE Police Department
 Address MIAMI-DADE COUNTY

Name John. Doe
 Job & Title N/A
 Shield number N/A
 Employer N/A
 Address Orlando, FL

Name John Doe
 Job & Title State Attorney
 Shield number N/A
 Employer N/A
 Address Orlando FL Court house

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

AMEND 4 Amend 5 Amend 6 Amend 13 Amend 14

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

~~Put~~ Threatening to put charges on me

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee

Complain t

1. I was standing outside when orlando Police Randomly started to harass me saying I looked like Nigger They are looking for, They Then grabbed me Slammed on the ground then started to kneel me in the face they Sayed Stop moving then Repeatedly Slammng my Head on the ground while I'm handcuff
2. and took me to Jail on Dec. 15, 2020 MIAMI, -Dade Police came to La quinta inn of a 911 call basically
3. I was harass by officer Geraldo Sarmiento JR Badge #3005887 He Stripped me to my underwear
4. while in Public by a Police car in handcuff then grabbed me Unappropriately where my private area
5. Located and I felt violated and I was in tear Pray to Allah when all this going to be over with
6. Then he threaten me by saying if you don't tell me anything I will personally put additional charges
7. against you while other officers were there watching and nothing it listed all officer they took me to jail
8. Multiple Charges has been added and dropped ^{on the old case they} ~~on the old case they~~ been dropped too But the added charges
9. on 4 added case 3 been dropped ~~on the old case they~~ ^{on the old case they} Requesting it they violated my due process
10. 4 of them I went to bond hearing on they never fingerprinted me and I had to ask for ^{for my} ~~for my~~ process
11. no Proper Procedure wasn't conducted without me. Requesting it they violated my due process
12. Gerald Sarmiento JR Badge #3005887 and other officers purposely signed a fraudulent
13. Signature & Paperwork is a fraud & perjury of law, They Robbed me of my
14. Peace of living my 4th st in 13th 14th Around violated on I was in orlando live
15. there 24 years went to Jail Sent for a year beat 2 cases in trial
16. look up Francely vs. orlando

- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

They stripped ^{me to my} ~~but not~~ underwear while everyone can see. I felt ~~embarrassed~~ ashamed in the public eye. I was a visitor at a hotel called LA Quintainn ~~on Dec 15, 2022~~. They grabbed ~~me~~ inappropriately and felt violated.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

^{P.T.D.C}
I was charge with Battery ~~on 10/24/2022~~ on the Report it clearly say I didn't batter nobody only say that I was sitting on the table but they charge me with Battery never finger printing me for the charge but took me to bond wearing that ~~dropped it~~ couple month later they dropped it.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

Dec. 15, 2022, 7:00 A.M., Mar. 24, 2023 12:14 PM

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

~~DEPRESSION~~ depression, have a Scar left side of my face and left side of my bottom lip, That ~~was~~ I'm taking pills now my face was swelled had knot on my forehead when they slapped on my back I'm suffering from back injuries so I can't work

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want \$90 millions in Punitive damages

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

P.T.D.C

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

didn't want to look as a Jail Snitch

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes
☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☒ Yes

☒ No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

N/A

Defendant(s)

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Aug. 18, 2023

Signature of Plaintiff Trent Francely

Printed Name of Plaintiff Trent Francely

Prison Identification # 220162290

Prison Address 1321 NW 13th St

MIAMI FL 33125

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address

Telephone Number

E-mail Address

Trent Francisly #220162290
1321 NW 13th Street
The Pre-Trial Detention Center,
Miami 1321 NW 13th Street
Miami, FL 33135

100071315 0033

